

1 ALLEN J. RUBY (STATE BAR NO. 47109)
2 allen.ruby@skadden.com
3 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
525 University Avenue, Suite 1100
3 Palo Alto, CA 94301
4 Telephone: 650-470-4500 / Facsimile: 650-470-4570

5 FABIO E. MARINO (STATE BAR NO. 183825)
fmarino@mwe.com
6 McDERMOTT WILL & EMERY LLP
275 Middlefield Road, Suite 100
Menlo Park, California 94025
7 Telephone: 650-815-7400 / Facsimile: 650-815-7401

8 DENISE MINGRONE (STATE BAR NO. 135224)
dmingrone@orrick.com
9 ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
10 Menlo Park, California 94025
Telephone: 650-614-7400 / Facsimile: 650-614-7401

11 Attorneys for Plaintiffs and Counterclaim Defendants
12 BROCADE COMMUNICATIONS SYSTEMS, INC. and
FOUNDRY NETWORKS, LLC

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 BROCADE COMMUNICATIONS
18 SYSTEMS, INC., a Delaware corporation, and
FOUNDRY NETWORKS, LLC, a Delaware
19 limited liability company,

20 Plaintiffs and Counterclaim Defendants,
v.

21 A10 NETWORKS, INC., a California
corporation; LEE CHEN, an individual;
22 RAJKUMAR JALAN; an individual; RON
SZETO, an individual; DAVID CHEUNG, an
individual; LIANG HAN, an individual; and
23 STEVEN HWANG, an individual,
24 Defendants and Counterclaimants.

25 Case No. 5:10-cv-03428 LHK
26
27
28

**STIPULATION AND [PROPOSED]
ORDER RE SUBMISSION OF JURY
INSTRUCTIONS**

Judge: Hon. Lucy H. Koh

1 IT IS HEREBY STIPULATED by and among Plaintiffs Brocade Communications
 2 Systems, Inc. and Foundry Networks, LLC (together, "Brocade") and Defendant A10 Networks,
 3 Inc., Lee Chen, Rajkumar Jalan, Liang Han, Steve Hwang and Ron Szeto ("A10 Defendants")
 4 and Defendant Liang Han (collectively, "the parties") that:

5 1. The parties understand that the Court set June 21, 2012, as the deadline for the
 6 submission of proposed Jury Instructions during the June 8, 2012, Case Management Conference.

7 2. The parties have exchanged proposed jury instructions and are in the process of
 8 meeting and conferring to identify areas of agreement and disagreement to narrow their disputes.
 9 Brocade's proposed jury instructions are attached hereto as Exhibit A and the jury instructions
 10 proposed by the A10 Defendants and Defendant Liang Han are attached hereto as Exhibit B.

11 3. In order for the parties to have sufficient time to narrow the areas of disagreement
 12 requiring resolution by the Court, the parties will submit to the Court a set of agreed-to jury
 13 instructions and a set of disputed jury instructions and objections by Tuesday, June 26, 2012.

14 4. All other case management deadlines set by the Court during the June 8, 2012,
 15 Case Management Conference and June 11, 2012, Case Management Order (D.I. 566) are
 16 unaffected by this Stipulation.

17
 18 Dated: June 21, 2012

Respectfully Submitted,
 19 ORRICK, HERRINGTON & SUTCLIFFE LLP

20 /s/ Siddhartha M. Venkatesan

21 SIDDHARTHA M. VENKATESAN
 22 Attorneys for Plaintiffs and Counterclaim Defendants
 BROCADE COMMUNICATIONS SYSTEMS, INC.
 and FOUNDRY NETWORKS, LLC

23
 24 Dated: June 21, 2012

FINNEGAN, HENDERSON, FARABOW,
 GARRETT & DUNNER, L.L.P.

25 /s/ Scott R. Mosko

26 SCOTT R. MOSKO
 27 Attorneys for Defendants
 A10 NETWORKS, INC., LEE CHEN, RAJKUMAR
 JALAN, RON SZETO, AND STEVEN HWANG

1
2 Dated: June 21, 2012

LOSCH & EHRLICH

3 /s/ Joseph Ehrlich
4 JOSEPH EHRLICH
5 Attorneys for Defendant
LIANG HAN

6 *Concurrence in the filing of this document has been*
7 *obtained from each of the other signatories pursuant to*
8 *General Order 45(X)(B).*

9
10 **O R D E R**

11 Pursuant to the parties' stipulation and request, IT IS SO ORDERED.
12 Dated: June 26, 2012

13 
14 Lucy H. Koh
15 United States District Judge